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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,965	08/31/2001	Toshio Tamura	P20962	6657
7055 7590 01/25/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER CUFF, MICHAEL A	

ART UNIT	PAPER NUMBER
3627	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/25/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/25/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary

Application No.

09/807,965

Applicant(s)

TAMURA ET AL

Examiner

Michael Cuff

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-28,34-43,69 and 70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-28,34-43,69 and 70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The independent claims recite the terms "standard product", "patterned special type product" and "non-patterned special type products". The usage of "standard" and "type" render the claims indefinite. Looking at applicant's specification, page 3, lines 3-6; page 3, lines 7-11; and page 4, lines 8-10, the definition of these terms uses indefinite, such as "normally" and "relatively", language too.

The examiner suggest that applicant use more definite language, such as -- fixed shape and fixed size product --, -- fixed shape, variable size product --, and -- new product --.

Claim 3, lines 20-22, recites "a display system", which is included under what the "design management system" comprises. It is not clear why a part of the terminal system is included as part of the design management system.

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Claim 3, lines 3-5 recites "input information", "displaying information" and "the information". The term "information" is being used too often without antecedent basis to be clear. This is also true for the term "product".

Claim 3, lines 7, 9, and 10 recite "a product facility", "selecting a facility", and "the product facility". If one selects a facility, there would be more than one facility in line 7 and line 10 would be --the selected facility--. Currently it is unclear. It is also not clear how the term "product" is used. Can there be a "special product facility" or can only "standard product facilities" be selected? The question emphasizing the problem with the term "standard" and the unclear use of the term "product".

The claims are replete with inconsistencies as describe above. Please review all claim language.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 34-43, as best understood by the examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuzaki et al.

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Mtsuzaki et al. shows, figure 2, a custom-made manufacturing system. Customer input unit 1-1 and action monitor 1-2 (terminal and display) allow the user to interact with the order taking and manufacturing part of the product specification defining system. Items 1-1, 1-2, and 1-14 are connected to the rest of the system by network and are therefore remote. There is a Standard Product module 1-7 (standard commodity memory). There is a Form Transforming unit 1-5 (patterned special type commodity memory). Column 6, lines 13-60, describes the interaction of the user inputs and the stored design data and displays products for the user. If no changes are made to a standard design, the price, time and display are based on that of a standard part (inherently there is a determination). If the user modifies a standard design, the price, time and display are based on that of a "patterned special type part (inherently there is a determination). The specification storing unit 1-11 (a receiver) receives data from user input and existing designs and outputs parts data to the product model storing unit 1-12. Figure 9, bottom show a virtual street, which manages the customer's visit schedule. The virtual street shows the choices of products (electronic catalogue) above and avoids inputs not allowed (introduction of malfunctions). There is a customer management "data storing unit" 1-14 (customer database). Figure 24 shows the cost and due date estimating. The input data includes critical dimensions (tolerance is an inherent data item in parts specifications with critical dimensions).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-28, 69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzaki et al. in view of Peterson.

Matsuzaki et al., as described above, shows all of the limitations of the claims except for specifying selectable facilities and working in sheet metal.

Peterson teaches, in the "background", column 1, "Manufacturing complex pieces of equipment such as vehicles is not always done from start to finish at a single manufacturing facility. Many of the components of vehicles are subcontracted out to other manufacturers (a practice called "out-sourcing"), who make the parts at their own facilities, or are subcontracted out to subsidiaries at other locations. " Out-sourcing maximizes resources in manufacturing a multi-part apparatus. Column 6, lines 24-25, teaches sheet metal as a common material.

Based on the teaching of Peterson, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Matsuzaki et al. system to incorporate the practice of out-sourcing in order to maximizes resources in manufacturing a multi-part apparatus.


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Note – In context to claim 3, the labeling of a specific product (sheet metal mold, is considered to be non-functional descriptive language and has been given the appropriate patentable weight.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 1/22/07
Michael Cuff
January 22, 2007